

MARR HIPP JONES & WANG
A LIMITED LIABILITY LAW PARTNERSHIP

LYNNE T. T. TOYOFUKU 4958-0
Email: ltoyofuku@marrhipp.com
NICHOLE K. SHIMAMOTO 7700-0
Email: nshimamoto@marrhipp.com
1001 Bishop Street, 1550 Pauahi Tower
Honolulu, Hawaii 96813
Tel. No. (808) 536-4900
Fax No. (808) 536-6700

H. CLYDE LONG, ESQ.
Email: longlawoffices@yahoo.com
Long Law Offices
950 Risa Road, 2nd Floor
Lafayette, California 94549
Tel. No. (925) 284-5575
Fax No. (925) 284-5659
Attorneys for Defendants
SMF SYSTEMS CORPORATION, TOM
CAFFREY AND RUBY CAFFREY

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 29 2005

at 3 o'clock and 29 min. M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOHN A. MOFFETT,)	CV NO. 03-00130 MLR-BMK
)	
Plaintiff,)	DEFENDANTS SMF SYSTEMS
)	CORPORATION, TOM CAFFREY
vs.)	AND RUBY CAFFREY'S FINAL
)	WITNESS LIST; CERTIFICATE OF
SMF SYSTEMS CORPORATION, A)	SERVICE
MARYLAND CORPORATION; TOM)	
CAFFREY; RUBY CAFFREY; DOE)	TRIAL: September 19, 2005
CORPORATIONS 1-20; DOE)	TIME: 9:00 a.m.
CORPORATIONS 1-20; DOE)	JUDGE: The Hon. Manuel L. Real
ENTITIES 1-20; JOHN DOES 1-20;)	

JANE DOES 1-20; GOVERNMENTAL)
 AGENCIES 1-20,)
)
 Defendants.)
)
 _____)

**DEFENDANTS SMF SYSTEMS CORPORATION,
 TOM CAFFREY AND RUBY CAFFREY'S FINAL WITNESS LIST**

Defendants SMF SYSTEMS CORPORATION ("Defendant
 SMF"), TOM CAFFREY and RUBY CAFFREY (referred herein as
 "Defendants Caffrey") (collectively referred herein as "Defendants") hereby
 submit their Final Witness List:

<u>Witness</u>	<u>Testimony</u>	<u>Estimate Time Required For Testimony of Witness On Direct Examination</u>
Tom Caffrey	Mr. Caffrey was, until 2002, in charge the Vice President of SMF Systems Corporation in charge of sales, operations and field activities whose place of business was San Ramon, California. He will testify as to his personal knowledge regarding SMF Systems business, his personal knowledge of the SMF Systems contract with the U.S. Department of Defense to support the Theater Network Operations Security Center of the U.S. Army, 516 th Brigade at Fort Shafter under which Plaintiff was hired, the lack of knowledge that Plaintiff had regarding the administering of the contract; his decision to terminate Plaintiff	Half a day

		Estimate Time Required For Testimony of Witness On Direct <u>Examination</u>
<u>Witness</u>	<u>Testimony</u>	

for the unprofessional conduct of Plaintiff during a telephone conference he had with President Ruby Caffrey; his lack of knowledge of any internal or external complaint by Plaintiff regarding the alleged report of sexual harassment of Monica Nelson, alleged illegal activity at Ft. Shafter, alleged complaint of mismanagement SMF's 401(k) Plan or any other alleged illegal activity; his termination of other former SMF employees for unprofessional conduct; SMF policies with respect to reimbursement of tuition costs by employees who terminate employment; and other issues relevant to and in defense of Plaintiff's claims.

Ruby
Caffrey

Ms. Caffrey is the President of SMF Systems Corporation and in charge of all financial and administrative functions of SMF Systems. She will testify as to her personal knowledge of the facts and circumstances regarding the unprofessional telephone conversation she had with Plaintiff and her report of it to Mr. Caffrey; her lack of knowledge of any internal or external complaint by Plaintiff regarding the alleged report of sexual harassment of Monica Nelson, alleged illegal activity at Ft. Shafter, alleged complaint of mismanagement SMF's 401(k) Plan or any other alleged illegal activity; policies regarding the approval of and reimbursement for travel, training, and

Half a day

<u>Witness</u>	<u>Testimony</u>	<u>Estimate Time Required For Testimony of Witness On Direct Examination</u>
	tuition by employees; role of outside accounting agency for SMF payroll; issues relating to administering of SMF 401(k) plan; the transmittal of all amounts deducted by participants in the Plan to CitiStreet; and other issues relevant to and in defense of Plaintiff's claims.	
Richard Kelley	Mr. Kelley was the Pac Rim Regional Manager for SMF Systems Corporation while Plaintiff was employed with SMF Systems Corporation. He will testify as to his lack of involvement in the decision to terminate Plaintiff; his lack of knowledge of any internal or external complaint by Plaintiff regarding the alleged report of sexual harassment of Monica Nelson, alleged illegal activity at Ft. Shafter, alleged complaint of mismanagement SMF's 401(k) Plan or any other alleged illegal activity; lack of knowledge as to any investigation by the DOD during the period he was Regional Manager; and other issues relevant to and in defense of Plaintiff's claims.	One to two hours

<u>Witness</u>	<u>Testimony</u>	<u>Estimate Time Required For Testimony of Witness On Direct Examination</u>
Commander Robert Nathan Langley, Jr.	Commander Langley was the SMF Site Manager at PAC-TNOSC, Fort Shafter. He will testify as to his lack of involvement in the decision to terminate Plaintiff; his lack of knowledge of any internal or external complaint by Plaintiff regarding the alleged report of sexual harassment of Monica Nelson, alleged illegal activity at Ft. Shafter, alleged complaint of mismanagement SMF's 401(k) Plan or any other alleged illegal activity; lack of knowledge as to any investigation by the DOD during the period he was Regional Manager; his involvement in the termination of Monica Nelson for poor performance; and other issues relevant to and in defense of Plaintiff's claims.	One to two hours
Robert Nehmad	Mr. Nehmad was a sales representative with SMF Systems Corporation in Hawaii and also performed some administrative duties until Robert Langley was hired as Site Manager. He will testify as to his lack of involvement in the decision to terminate Plaintiff; his lack of knowledge of any internal or external complaint by Plaintiff regarding the alleged report of sexual harassment of Monica Nelson, alleged illegal activity at Ft. Shafter, alleged complaint of mismanagement SMF's 401(k) Plan or any other alleged illegal activity; lack of knowledge as to any investigation by the DOD during the period he was Regional Manager; his involvement in repeated	Two hours

Estimate Time
Required For
Testimony of
Witness On Direct
Examination

Witness

Testimony

counseling of Monica Nelson for poor performance, including repeated tardiness, absenteeism, failure to accomplish assigned tasks, etc; Plaintiff's repeated disagreements with SMF's policies pertaining to reimbursement for expenses; and other issues relevant to and in defense of Plaintiff's claims.

Custodian of
Records
U.S. Equal
Employment
Opportunity
Commission

The Custodian of Records will testify as to the authenticity of the U.S. Equal Employment Opportunity Commission's records regarding Plaintiff.

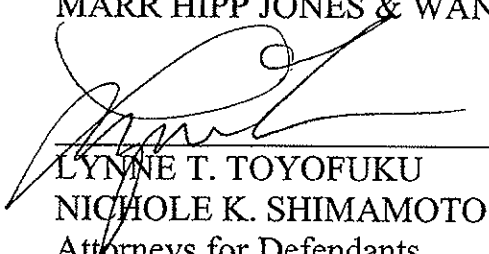
15 minutes

Defendants reserve the right to call any witnesses listed in Plaintiff's

Final Naming of Witnesses, rebuttal or impeachment witnesses.

DATED: Honolulu, Hawaii, August 29, 2005.

MARR HIPP JONES & WANG



LYNNE T. TOYOFUKU
NICHOLE K. SHIMAMOTO
Attorneys for Defendants
SMF SYSTEMS CORPORATION,
TOM CAFFREY AND RUBY
CAFFREY

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FOR THE DISTRICT OF HAWAII

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Plaintiff,)	CERTIFICATE OF SERVICE
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vs.)	
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SMF SYSTEMS CORPORATION, A)	
MARYLAND CORPORATION; TOM)	
CAFFREY; RUBY CAFFREY; DOE)	
CORPORATIONS 1-20; DOE)	
PARTNERSHIPS 1-20; DOE)	
ENTITIES 1-20; JOHN DOES 1-20;)	
JANE DOES 1-20; GOVERNMENTAL)	
AGENCIES 1-20,)	
)	
Defendants.)	
_____)	

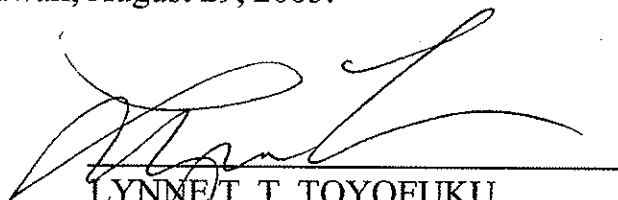
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date noted below, a copy of the foregoing document will be duly served upon the following party by hand delivery to:

BARBARA A. PETRUS, ESQ.
DONNA H. KALAMA, ESQ.
ANNE T. HORIUCHI, ESQ.
GOODSILL ANDERSON QUINN & STIFEL
1099 Alakea Street
1800 Alii Place
Honolulu, Hawaii 96813

Attorneys for Plaintiff
JOHN A. MOFFETT

DATED: Honolulu, Hawaii, August 29, 2005.

A handwritten signature in black ink, appearing to read 'Lynne T. T. Toyofuku', is written over a horizontal line.

LYNNE T. T. TOYOFUKU
NICHOLE K. SHIMAMOTO
Attorneys for Defendants
SMF SYSTEMS CORPORATION,
TOM CAFFREY AND RUBY
CAFFREY